

Appl. No. 10/668,907
Amdt. dated June 9, 2006
Reply to Office action of March 10, 2006

REMARKS/ARGUMENTS

Applicants have received the Office action dated March 10, 2006, in which the Examiner: 1) rejected claims 61-67 under 35 U.S.C. § 101 because the claim invention is allegedly directed to non-statutory subject matter; 2) rejected claim 1 under the judicially created doctrine of obviousness-type double patenting; 3) rejected claims 22-26, 36, 37, 42, 47, 49, 56, 61-63 and 68-70 under 35 U.S.C. § 102(e) as being anticipated by Crawford (U.S. Pat. No. 6,411,943, hereinafter "Crawford"); and 4) rejected claims 1, 3, 5, 12-14, 17, 38, 64, 67 and 71 under 35 U.S.C. § 103(a) as being unpatentable over Crawford in view of Roger Needham et al., December 1978 (hereinafter "Roger" as noted by the Examiner). With this Response, Applicants have amended claims 1, 22, and 47 and have canceled claims 61-67.

Claims 61-67 have been canceled thereby mooted the § 101 rejections.

A Terminal Disclaimer is submitted herewith to overcome the double patenting rejection.

Crawford is directed to an online backup system to provide remote storage. See Title. Crawford discloses the use of "virtual disks" to which to archive inactive customer files. "Customer files inactive for a specified period are automatically copied to on-line service virtual disks for offsite archiving." Col. 14, lines 60-66.

Applicants contribution lies in the context of restoring resources (e.g., executable software applications, drivers, etc.) to a computer that previously failed. Accordingly, Applicants amend claim 1 to clarify that the restoring method of claim 1 applies to situations in which a computer has failed. Claim 1 requires that the restoration request is received "as a result of said failure." Crawford deals with remote storage using virtual disks, not restoring resources following a computer failure. No other art of record satisfies the deficiency of Crawford.

Claim 1 also requires "encrypting the restorable resource." The Examiner concluded that Crawford lacks this claim limitation, but turned to Roger instead. Roger appears to discuss encryption in general. Contrary to the Examiner's contention, Roger does not disclose encrypting "the restorable resource." Thus,

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the use of encryption as required by claim 1 to encrypt restorable resources is not disclosed in the art of record.

For either or both of the preceding reasons, claim 1 is allowable over the art of record. All claims dependent from claim 1 are allowable at least for the same reasons as claim 1.

The same or similar amendments as were made to claim 1 have been made to independent claims 22 and 47. Claims 22 and 47 are not anticipated, nor rendered obvious by, Crawford for much the same reason articulated above regarding claim 1 in relation to Crawford.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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